

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**Edward Butowsky,**

Plaintiff,

v.

**Case No. 4:18-cv-442-ALM**

**David Folkenflik, et al.,**

Defendants

**UNOPPOSED MOTION FOR STAY and  
UNOPPOSED MOTION TO MODIFY SCHEDULING ORDER**

NOW COMES Edward Butowsky, the Plaintiff, moving the Court to grant a 45-day stay of proceedings, further moving the Court to amend the scheduling order:

As indicated in a letter from Plaintiff's Counsel to the Court dated August 31, 2020, Plaintiff's Counsel began intensive outpatient treatment in the Dallas area on September 2, 2020, and he expects that to last from 3-4 weeks.<sup>1</sup> The Court is already aware of the Plaintiff's medical circumstances, including his recent heart attack and hip surgery. Adding to Plaintiff's delays, Plaintiff's Counsel will now be unable to work for most of the next 3-4 weeks. The Plaintiff therefore moves the Court to stay the proceedings in this case for 45 days, and he further moves the Court to amend the scheduling order to postpone existing deadlines by 120 days, including the final pre-trial

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<sup>1</sup> As witnessed by his electronic signature on this document, Ty Clevenger declares under penalty of perjury under the laws of the United States that his statements in this motion are true and correct. If the Court wishes to know additional information about Mr. Clevenger's treatment or medical circumstances, he will gladly provide that information at the Court's request.

conference and the trial date.<sup>2</sup> Plaintiff's Counsel has conferred with counsel for the Defendants, and they do not oppose this request, so long as the scheduling order is extended by Plaintiff's requested 120 days, including the final pre-trial conference and the trial date, to allow a reasonable period of time to accomplish all the tasks in this case that have been delayed by Plaintiff and his counsel..

Respectfully submitted,

/s/ Ty Clevenger

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**Attorney for Plaintiff Edward Butowsky**

### **CERTIFICATE OF CONFERENCE**

I certify that I informed Laura Lee Prather and David J. Bodney, counsel for the Defendants, via email and telephone on August 31, 2020 and September 1, 2020, and they do no oppose this request.

/s/ Ty Clevenger

Ty Clevenger

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<sup>2</sup> With one important exception: the Plaintiff does *not* seek an extension of the Court's October 24, 2020 deadline for paying attorney fees and sanctions. See August 25, 2020 Order on Rule 37 Sanctions Issues (Doc. No. 124).

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was filed with the Court's ECF system on September 2, 2020, which should result in automatic notification via email to all counsel of record.

/s/ Ty Clevenger  
Ty Clevenger